

**Congress of the United States**  
**Washington, DC 20515**

May 19, 2021

President Joseph R. Biden  
The White House  
1600 Pennsylvania Avenue NW  
Washington, D.C. 20500

Dear Mr. President,

We write to you today to express our profound concern with the Administration's support for waiving intellectual property (IP) protections related to COVID-19 vaccines under the World Trade Organization's (WTO) Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIP). We remain committed to working together to address the global needs of vaccine distribution, but this proposed waiver will not help us meet that goal. Intellectual Property (IP) protections have fostered life-saving biomedical innovation, strengthened the U.S. economy, created millions of good paying jobs, and made our country the world leader in the development of cutting-edge diagnostics, treatments, and cures. We firmly believe that waiving these IP protections will prove to be disastrous and counterproductive in our fight against this global pandemic and urge you in the strongest possible terms to rescind your support for this policy.

The real challenges in fighting the pandemic include tackling major logistical, manufacturing, and health care delivery hurdles. Weakening IP rules will not solve any of these challenges. The United States Trade Representative's (USTR) announcement is deeply disappointing and will do nothing to accelerate the global distribution of COVID-19 vaccines. Quite the contrary, waiving the IP protections would only serve to undermine innovation and make it even more difficult for industry to respond to both the current pandemic and future health emergencies. Moreover, if implemented, the proposal could have the opposite effect, by reducing the availability of critical raw materials necessary to manufacture these vaccines. Recently, Germany's Chancellor Angela Merkel rejected the notion of waiving global IP protection because of the additional hurdles it would cause in the manufacture of these vaccines. Chancellor's Merkel's opposition underscores the dangers of this policy.

Rather than taking the extraordinary step of waiving IP rights, the Administration should instead focus on addressing the actual reasons behind the global unavailability of COVID-19 vaccines. Instead of spending time on negotiations with the WTO that prolong the worldwide pandemic response, we should work to ship stockpiled vaccines to those countries whose regulatory authorities have approved them. We should also seek to expand the domestic production of vaccines to ensure a secure supply chain, create American jobs, and increase the supply abroad. Manufacturers have already worked diligently to scale up their capacity and taken the unprecedented step of entering into agreements with their competitors to increase vaccine

supply. While the Administration pushes these waivers, vaccine manufacturers have been diligently working with other countries to address their vaccine needs.

Importantly, the proposal also threatens American jobs and undermines the long-term competitiveness of our biopharmaceutical industry by allowing countries like China to profit from our innovation. The Chinese government, as part of its Made in China 2025 Plan, is intent on expanding its domestic production of biomedical products, largely through theft of American technology and innovation. Indeed, according to both the Federal Bureau of Investigation and the Department of Homeland Security, the Chinese government has been engaged in a sophisticated and wide-ranging effort to steal American COVID-19 vaccine research – particularly mRNA technology, an area in which China is lagging far behind. And yet, even as the FBI and DHS investigate and express concerns about China’s action to acquire this information and technology, USTR has proposed voluntarily gifting it to China.

The two FDA-authorized vaccines that utilize new mRNA technology were the result of decades of work and billions of dollars in research and development. Under your proposal, however, China and its allies would now have access to this technology and benefit from private and American taxpayer investment. It would allow them to create an entire industry designed to compete with American companies and further limit our national and supply chain biomedical security. The result would be a disastrous loss of American jobs, less investment in domestic research and development, and increased reliance on foreign supply chains.

Not only would the waiver of IP rights set a terrible precedent and disincentivize companies from further investment in such research, but it would also do very little to increase the global manufacture of COVID-19 vaccines. These vaccines require highly sophisticated manufacturing facilities with specialized equipment and trained employees. It would take months – if not years for these countries to construct fully operational manufacturing facilities. Afterwards, we would be faced with the prospect of having a large supply of complex vaccines being produced and distributed worldwide by unqualified manufacturers with little or no regulatory oversight. Additionally, it is very likely that these foreign countries would also utilize the knowledge they gained from our COVID-19 vaccines to make other, unrelated medical products designed to compete directly with the U.S.

In your recent speech to Congress, you promised to protect American jobs and bring foreign manufacturing back to the U.S. This proposal runs directly counter to those promises and, in fact, disincentivizes the kind of American ingenuity that brought us these lifesaving COVID-19 vaccines in record time. It is absolutely critical that any agreement with the WTO does not threaten U.S. jobs and innovation or benefit America’s competitors.

We strongly urge you to work with Congress, industry and other governments to rapidly and responsibly increase the supply and distribution of COVID-19 vaccines worldwide and rescind this harmful and misguided proposal. It is imperative that we lead the world in increasing global access to COVID-19 vaccines while also affirming our nation’s long and storied history of protecting IP to spur innovation. American jobs, innovation, and the health and welfare of the entire world are at stake. We look forward to your prompt response.

Sincerely,



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Earl L. "Buddy" Carter  
Member of Congress

Jeff Duncan  
Member of Congress

Gus M. Bilirakis  
Member of Congress

W. Gregory Steube  
Member of Congress

Bob Gibbs  
Member of Congress

Nancy Mace  
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Austin Scott  
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Member of Congress

Lee Zeldin  
Member of Congress

A. Drew Ferguson IV, DMD  
Member of Congress

Larry Bucshon, M.D.  
Member of Congress



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Robert E. Latta  
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Billy Long  
Member of Congress

Fred Upton  
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John Joyce, M.D.  
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